

1882-004 Chancery Causes: Isaac Leedy vs. Rufus Leedy &
Lee Co.

Carroll, Clifton, Elliott, Leedy

CA - Estate Dispute
T - Property

In the circuit Court of Lee County,
Lee County to wit:

To the Honorable John A. Kelly
Judge of the circuit Court for the said
County, in chancery.

Your Orator Isaac
Leady, humbly complaining, sheweth
unto your honor, that your Orator's
father Joel Leady was in his lifetime
seized and possessed in fee simple
of a large and valuable tract of land
containing about 350. acres lying in
Lee County Virginia and situated on
the main Turnpike road leading from
Joussville to Cumberland Gap, near $2\frac{1}{2}$
miles west of Joussville and adjoining
the lands of David Martin, James
Bolin and others, and being so thereof,
seized and possessed, sometime in
the year 1882 departed this life intestate,
leaving your Orator and ^{Reverend Leady} Mendana Carroll
Mendana Leady, John Clifton and Isabella
his wife (formerly Isabella Leady) Alfred
Leady, Joseph Leady, Mollie Leady, C. C.
Elliott and Selina his wife (formerly Selina
Leady) Samuel Leady, Robert L. Leady
Martha L. Leady, Rosetta A. Leady his
heirs at Law, and Elmira his widow

That The said, Robert L. Leady, Martha L. Leady and Rosetta A. Leady are infants of tender years, under the age of twenty one years.

And your orator further states that the said real estate is susceptible of partition amongst those entitled in proportion to their respective rights and interests therein.

In tender consideration whereof, and in as much as your orator is remediless in the premises, save by the aid of a Court of equity where matters of this kind are alone and properly cognizable, your orator prays, that Rufus Leady, Mendam^r. Carroll, Almada Leady, John Clefton and Isabella his wife, Alfred Leady, Joseph Leady, Mollie Leady, C. C. Elliott and Selina his wife, Samuel Leady, Robert L. Leady, Martha L. Leady, Rosetta A. Leady the heirs at law and Elmin the widow of your orator intestate, be made parties defendant to this bill, and required to answer the same on their oaths, according to their best knowledge, information and belief. That a Guardian ad. litem be assigned the infants,

defendants, to defend their interests
in this suit. That the said real estate
be partitioned among the parties
aforementioned entitled thereto, and
your Orator prays allowed him, that
proper process may issue, and
that such further, other and general
relief may be afforded your Orator
as the nature of the case requires
or as to equity shall seem meet.

And your Orator will ever pray &c.

Richmond
Jm Complainant.

Reckoning

Isaac Leady
v. s. Bill for
2 1/2 Partitions
Rufus Leady & al.

1882 Aug Bill filed
" Sep Exec. & D. N.
" Sept. D. N. Conf. & v.
Set for hearing by Ref.
1882 Aug L. Decree & Cont. &
" Nov. J. J. & al.

Hyatt clerk	\$11.27
Gibson "	5.00
Sheriff -	5.00
G. A. J.	5.00
Attorney	15.00
Courts	25.50
J. P.	75
	<hr/>
	\$67.52

To the Hon. John A. Kelley Judge of
the Circuit Court of Lee County Va
The answer of Elvira A. Ludy to a
bill in Chancery filed in this Honorable
Court against this respondent and
others by Isaac Ludy. Respondent
admits that she is the widow of Jael
Ludy and as such entitled to dower
in the lands described in the bill
and pleadings of this cause.

Respondent further states that she
would have answered this bill sooner
had it not been for the fact that she
had no objections to a fair assignment
of dower to her. But she has now to
answer that the report of Partition
between the heirs of her husband and
assignment of dower to her does not
give her such fair assignment of
dower. When reference is had to quantity,
quality, water, and ways.

Respondent states that it will be seen
that said farm of 550 acres is divided
into thirteen shares, and that each
one of these thirteen occupants are
given the right to a spring ~~and a~~
way thereto on the lower assigned
to your respondent.

Your respondent further represents
that said spring is a very very weak
one, so much so that it did not
supply my husband's family in
summer time - it has gone dry.

Your respondent says that not
satisfied of this consideration that she
has not yet assigned her one third
of said land, when quantity and
quality ^{and water} is considered, but she
would not object to the confirmation
of said report were it not for
and an account of the water
right before stated.

Respondent asks that the Court may
proof of and determine this matter
as sumeth meet to equity.

Having now answered said bill so
fully as she is advised that it is
necessary for her to answer. she prays
to be then dismissed with her costs
Costs D.V. for

Respondent,
Sworn to before this Nov. 30th 1882.

John R. Gibson Clerk

Elvira A. Ludy / Wm A. Orr
as J. Assum
Isaac Ludy

Filed in open Court
by leave thereof Nov 30
1882. J. A. Hyatt
Clerk

To the Hon. Jnd. A. Kelley, Judge of the
Circuit Court of Lin County, Va
The Answer of Robert L. Ludy,
Martha S. Ludy and Rosetta A. Ludy,
Defendants, by Wm. A. Orr their Guardian
ad litem to a Bill in Chancery
filed in said Court against their
wards and others by Isaac
Ludy. And for answer says that
he knows of no defense proper
for him to make for his said
wards, and places their rights
and interests in the hands of
your Honor, Courts of
Chancery being the peculiar
Guardians of the rights
and interests of Defendants,
and prays to be hence dismissed
with his costs.

Wm. A. Orr,

Guardian ad litem

Sworn to before me Sept. 3rd 1882.

J. H. Hyatt
Clerk

Isaac Lindy

vs Jas. G. A. L.

Rufus Lindy et al

Filed Aug 2. 1882

J. A. Hyatt
Clerk

Isaac Leedy
against

Plff

In Chancery

Refus Leedy et als. Defts

This cause came on again this day to be further heard, upon the papers formerly read in the cause, and the report of Eli Davis, D. O. Woodward & Jefferson Keff, Commissioners, filed November 20th 1882, and exceptions filed to said report, by way of answer, by Elvira A. Leedy widow &c, and was argued by Counsel. On consideration whereof, said exceptions are overruled, and said report & the plat accompanying the same, having been filed the time required by law, and there being ^{further} no exceptions thereto, the same is confirmed. And it is adjudged, ordered and decreed that said Elvira Leedy, widow of the decedent Joel Leedy, take and hold, during her natural life, as and for her dower ^{by the metes & bounds set out in said report} in said estate, the lot assigned her in said report and plat, marked "Dower" and estimated to contain 76 acres; that each of the heirs of said Joel Leedy do take and hold in fee free from the claims of each other, the lots assigned them respectively in said report & plat, that is, that Isaac Leedy take and hold as aforesaid lot No 1 assigned him by said Commissioners

that Almada Leedy take and hold in fee,
lot to 2. assigned her in said report & plat;
that Samuel Leedy take and hold in fee lot to 3,
assigned him in said report & plat;
that Selina Elliott, wife of C. C. Elliott, take
and hold in fee lot to 4, assigned her and
her said husband in said report & plat;
that Joseph Leedy take and hold in fee lot to 5,
assigned him in said report & plat;
that Rufus Leedy take and hold in fee lot to 6,
assigned him in said report & plat;
that Robert Leedy take and hold in fee lot
to 7, assigned him in said report & plat;
that Martha L Leedy take and hold in fee
lot to 8, assigned her in said report & plat;
that Rosetta A Leedy take and hold in fee
lot to 9, assigned her in said report & plat;
that Mollie Leedy take and hold in fee, lot
to 10, assigned her in said report & plat;
that Alfred Leedy take and hold in fee, lot to
11, assigned him in said report & plat;
that Isabella Clifton wife of John Clifton take
and hold in fee, lot to 12 assigned to her and

her said husband in said report & plat;
And that Mendana Canell take and hold
in fee, lot 10 13 assigned to her in said report
and plat, and that each of said heirs take
and hold the ^{said} lots assigned ^{respectively} ~~them~~ by said
Commissioners in their said report & plat
according to the metes & bounds therein set
forth. And pursuant to said report it is adjud-
^{ordered & decreed}ged, that each of said heirs shall have the
right to come to the spring on the said "dower"
and use water therefrom, provided they do no
injury to anything on the said dower.

And it is further adjudged, ordered & decreed
that each of said heirs pay one thirteenth part
of the costs of this suit, and execution may
issue in favor of the plaintiff against any of
said heirs for their equal part of said costs,
and a lien shall exist on the share of each of
said heirs, ^{in said land} for their ~~due~~ proportion of said costs.

And it is further ordered that the Clerk of this
court deliver to the Clerk of the County Court of this
County, the decree appointing said Commissioners, the
said Plat & report, and this decree and that said Clerk
of the said County Court, record the same in the book
kept in his office for the recordation of deeds. And
nothing further being necessary to be done in this cause
the same is ordered to be stricken from the docket.

Isaac Leedy
vs Decrel
Rufus Leedy et als.

Entered pages 294-5.
J. A. Hyatt Clerk

Enter this decrel
J. A. K.
Decr 4/82.

Isaac Leady

v.

Rufus Leady

Decree.

No 1.

This cause came on this day, to be heard upon The Bill, taken for confessed, as to the adult defendants, The answer of the infant defendant by Wm. A. Orr. Their Guardian ad litem, with replication thereto, and was argued by counsel. On Consideration whereof, The Court doth order that Eli Davis, Jefferson Jeff and David O. Woodward who are hereby appointed Commissioners for the purpose, after having been first duly sworn, do proceed to lay off and divide The real estate of which Joel Leady died seized and possessed, consisting of a tract of land in The County of Lee containing about 350 acres adjoining the lands of David Martin, James Robin and others. Giving to Elvira the widow of the said Joel one third part thereof in value, including the mansion house and appurtenances, having reference to quantity, quality, water and ways. For her dowry, and to hold for and during her natural

life. And that the residue thereof, be divided into ~~Thirteen~~ equal parts in value having reference to quantity, quality, water, woods and ways, and assign one of said parts to each of the children of the said John Leary deceased, namely: to Isaac Leary one ~~Thirteenth~~ part, to Rufus Leary one ~~Thirteenth~~ part, to Mandana Carroll one ~~Thirteenth~~ part, to Almon Leary one thirteenth part, to John Clifton and Isabella his wife one thirteenth part, to Alfred Leary one thirteenth part, to Joseph Leary one thirteenth part, to Mollie Leary one thirteenth part, to C. C. Elliott and Selina his wife one thirteenth part, to Samuel Leary one thirteenth part, to Robert L. Leary one thirteenth part, to Martha L. Leary one thirteenth part and to Rosetta A. Leary one thirteenth part. And the said Commissioners are required to report their action to a future term of this Court, and the Cause is continued.

Isaac Leary
 W. Z. Davis
 Rufus Leary et al
 Entered Page 275.
 J. A. H. Hyatt
 Clerk

Enter this

J. A. H.

Sept 6/82.

Virginia

At a circuit Court continued and held for Lee County at the Court house thereof on Wednesday September 6th 1882.

Isaac Leedy

Plff

vs

Rufus Leedy et al

Defendants

In Chancery

On Consideration whereof the Court doth Order that Eli Davis, Jefferson Neff and David O. Woodward who are hereby appointed Commissioners for the purpose after having been ^{first} duly sworn, do proceed to lay off and divide the Real Estate of which Joel Leedy died Seized and possessed consisting of a tract of Land in the County of Lee containing about 350 Acres, adjoining the lands of David Martin, James Bowlin, and others — Giving to Elvira the widow of the said Joel, One third part thereof in value including the Mansion house and appurtenances having reference to quantity and quality waters and ways for her dower and to hold for and during her natural life — And that the residue thereof be divided into thirteen Equal parts in value, having reference to quantity, quality, waters, Woods and ways, and assign one of said parts to each of the children of said Joel Leedy deceased namely to Isaac Leedy $\frac{1}{13}$ part, to Rufus Leedy $\frac{1}{13}$ part, to Mendana Carroll $\frac{1}{13}$ part — to Almada Leedy $\frac{1}{13}$ part — to John Clifton & Isabella his wife $\frac{1}{13}$ part — to Alfred Leedy $\frac{1}{13}$ part. to Joseph Leedy $\frac{1}{13}$ part — to Mallico Leedy $\frac{1}{13}$ part.

To C. C. Elliott & Selina his wife $\frac{1}{3}$ part
to Samuel Leedy $\frac{1}{3}$ part, to Robert L. Leedy
 $\frac{1}{3}$ part, to Martha L. Leedy $\frac{1}{3}$ part and
to Rosetta A. Leedy $\frac{1}{3}$ part.

And the said Commissioners
are required to report to a future term
of this Court and the Cause is continued.

A Copy Test-

J. A. Hyatt
Clerk

Isaac Leedy
w/3 Copy of decree
for commo.
Rufus Leedy

Handed to Robert
Leedy, to give to
the parties Sept 27th 1882
J. A. Hyatt
Clerk

The Commonwealth of Virginia,

To the Sheriff of Lee County . . . Greeting:

We Command you to Summon

Rufus Leedy, Merdiana Carroll formerly Leedy, Almesta Leedy, Isabella Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, Joseph Leedy, Mollie Leedy, Selina Elliott (formerly Leedy) and her husband C. C. Elliott, Samuel Leedy, Robert L. Leedy, Martha L. Leedy, Rosetta A. Leedy & Elvira Leedy

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House

this 1st day of August 1882, in the 10th year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Leste -

J. A. G. Hyatt
clerk

For
John Clifton

Lohe returned.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

¹Rufus Leedy, ²Mendana Carroll (formerly Leedy), ³~~Alexandra~~ Leedy, ⁴Isabela Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, ⁷Joseph Leedy, ⁸Mollie Leedy, ⁹Selina Elliott (formerly Leedy) and her husband ¹⁰C. C. Elliott, ¹¹Samuel Leedy, ¹²Robert L. Leedy, ¹³Martha L. Leedy, ¹⁴Rosetta A. Leedy and ¹⁵~~Edwina~~ Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1st day of August 1882; in the 107 year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Lest-

J. A. G. Hyatt CLK

LR

Isaac Leedy
vs Spain Chey

Rufus Leedy et al

To August Rules 1882

For

Isabella Clifton

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

Rufus Leedy, Mendana Carroll (formerly Leedy), Alexandra Leedy, Isabella Clifton (formerly Leedy) and her husband John Clifton, Alfred Leedy, Joseph Leedy, Mollie Leedy, Selina Elliott (formerly Leedy), C. C. Elliott, her husband, Samuel Leedy Robert L. Leedy Martha L. Leedy, Rosetta A. Leedy and Elsie Leedy

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against *them*

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this *1st* day of *August* 1882; in the *10⁷* year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Lesto
J. A. G. Hyatt
clerk

For
Alexandra Leedy

11
The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting :

We Command you to Summon

¹Rufus Leedy, ²Mendana Carroll (formerly Leedy) ³Alexandra Leedy, ⁴Isabella Clifton (formerly Leedy) and her husband ⁵John Clifton, ⁶Alfred Leedy, ⁷Joseph Leedy, ⁸Mollie Leedy, ⁹Selina Elliott (formerly Leedy) & her husband ¹⁰C. C. Elliott, ¹¹Samuel Leedy, ¹²Robert L. Leedy, ¹³Martha L. Leedy, ¹⁴Rosetta A. Leedy & ¹⁵Clara Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1st day of August 1882 in the 107 year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Leste. -

J. A. G. Hyatt clerk

For
Rufus Leedy

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

Rufus Leedy, Mendana Carroll (formerly Leedy) Almada Leedy, Isabella Clifton (formerly Leedy) & her husband John Clifton Alfred Leedy Joseph Leedy Mollie Leedy, Selina Elliott (formerly Leedy) & her husband C. C. Elliott Samuel Leedy, Robert L. Leedy (Martha L. Leedy) Rusetto L. Leedy & Elving Leedy

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in ~~August~~ next, being the day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House this 1st day of August 1882 in the 107 year of the Commonwealth.

J. A. G. Hyatt CLERK.

A Copy Sent

J. A. G. Hyatt

clerk

The Commonwealth of Virginia

To the Sheriff of Lee County . . . Greeting:

Sir,

Samuel Leedy

To appear at the Clerk's office . . . on the first Monday in . . .
next being . . . in and out of the County . . .

By

CLERK

To be returned.

The Commonwealth of Virginia,

To the Sheriff of Lee County - - - Greeting:

We Command you to Summon

¹Rufus Leedy, ²Mendana Carroll (formerly Leedy) ³Almeda Leedy, ⁴Isabella Clifton (formerly Leedy) & her husband ⁵John Clifton, ⁶Alfred Leedy, ⁷Joseph Leedy, ⁸Mollie Leedy, ⁹Selina Elliott (formerly Leedy) & her husband, ¹⁰C. C. Elliott, ¹¹Samuel Leedy, ¹²Robert L. Leedy, ¹³Martha L. Leedy, ¹⁴Rosetta A. Leedy and ¹⁵Elvira Leedy.

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

August next, being rule day to answer a bill in Chancery, exhibited in our said Court against them

by

Isaac Leedy

And have then there this writ. Witness JOHN A. G. HYATT Clerk of our said court at the Court-House
this 1st day of August 1882, in the 10⁷th year of the Commonwealth.

J. A. G. Hyatt CLERK.

We accept legal remission of the within cost

John Clifton
Isabella Clifton
Alameda Leedy
Rufus Leedy
Samuel Leedy
by Isaac Leedy

(R)

Isaac Leedy
vs ³ Spain Chcy
Rufus Leedy et al

To August Rules 1882

Executed by delivering
Copies of the within to
Mendana Carroll
Alfred Leedy Joseph Leedy
Mollie Leedy Selina Elliot
and father by having come with her
for her husband to C C Elliott
and explaining the same to him
He not being at his usual place
of abode
Robert L. Leedy Martha L. Leedy
Rosetta A. Leedy and
Elvira Leedy

August 4th 1882

Thos. S. Ely S. L. L.

John Clifton
Isabella Clifton his wife
formerly Isabella Leedy
Alameda Leedy &
Samuel Leedy are
non residents of
this state.

Thos. S. Ely
S. L. L.